

**MINUTES OF REGULAR MEETING
OF
GREENSBORO PLANNING BOARD
JUNE 21, 2006**

The Greensboro Planning Board met in regular session on Wednesday, June 21, 2006 at 2:04 pm, in the City Council Chamber, 2nd floor, Melvin Municipal Office Building. Board members present were: Chair Dick Hall, Tim Bryson, Julius Koonce, Joel Landau, Stephen Marks, and John Rhodes. Planning staff members present were Dick Hails, Planning Director, Alec MacIntosh, Steve Galanti, Ben Woody, Ricky Hurley and Jimmy Person. Dan Curry, Stefan-Leih Geary and Russ Clegg represented the City's Department of Housing & Community Development (HCD).

Chair Hall called the Planning Board into session.

1. APPROVAL OF MINUTES OF THE APRIL 19, 2006 REGULAR MEETING.

Mr. Landau moved approval of the April 19, 2006 minutes as written, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

PUBLIC HEARINGS:

2A. REVIEW AND APPROVAL OF AMENDMENT TO CUMBERLAND PROJECT REDEVELOPMENT PLAN (SEE ATTACHMENT IN LAST MONTH'S MAILOUT TO BOARD MEMBERS). (RECOMMENDED)

Mr. Curry, HCD, presented a copy of the proposed amendment to the Cumberland Project Redevelopment Plan. The Cumberland Project Redevelopment Plan was prepared by the Redevelopment Commission of Greensboro, adopted by the City Council in 1959 and was completed in 1966. Background information about Redevelopment and Urban Renewal in Greensboro was explained in the way the plans in the old Urban Renewal areas were different from the HUD plans of today. Section 1, Block 9, of the Cumberland Project Redevelopment Plan is zoned for wholesale and light industrial land use. It is bordered by Lindsay Street on the south, Murrow Boulevard on the east and a line that cuts cross-country back over to Summit Avenue. A request to develop that block with mixed uses has been received. Because the Redevelopment Plan only allows industrial uses, staff proceeded with the preparation of this amendment. The only occupied building is the Pet Dairy property that faces Summit Avenue. The Carolina Peacemaker faces Summit Avenue and is not within the boundary of the Redevelopment Plan.

The proposal is to allow the developer to proceed with the rezoning application for this property. The amendment would allow the developer to request either Central Business (CB) zoning or Planned Development Infill (PDI) zoning with restrictions being as listed in the amendment. The basic intent is to achieve a mixed-use development pattern similar to other development in the CB district. Mixed-uses are generally characterized by uses in close proximity, strong pedestrian connections, vehicular cross-access between uses, entries that face the street and parking that is usually behind the building or screened from view. The Redevelopment Commission slightly modified the parking item on that particular amendment. The item now reads: "Parking shall be located to the rear and sides of buildings unless approved by the Redevelopment Commission." Also included is a list of uses that are restricted through the Redevelopment regulations. The Redevelopment Commission

made a minor change to require the sketch plan for this particular block of property to include the locations of buildings and parking on the site. This item will amend the land use plan, which is Map RP2 in the Redevelopment Plan, by changing the land use of Block 9 to mixed-use and amend the proposed zoning map, which is Map RP4 in the Redevelopment Plan, to allow either CB zoning or PDI zoning.

Brian Byrd and Mary Ellen Lowery were present to represent the developer and to speak to any issues from the Board members.

Mr. Curry stated that when the Commission held the public hearing on this item, staff did advertise and notify all the property owners within the Cumberland Project area which encompassed several hundred individual properties. They received several phone calls prior to the public hearing but no one attended the public hearing and they did not get any public comments at the Redevelopment Commission public hearing.

Mr. Curry said the proposed zoning map, Map RP4, shows the current zoning pattern in the neighborhood. By approving this amendment, the zoning on properties would not be changed. The developer would submit a rezoning request. There is no proposal to rezone the surrounding properties and the occupied buildings can continue their operation. The development request was for the Pet Dairy property and staff made the decision to amend the plan for the entire block. The Redevelopment designation does not force a property owner to act unless they want to rezone the property.

Mr. Hails reminded the Board that its charge on reviewing an amendment to a Redevelopment Plan is judging general compatibility of the request to change the land use and the proposed zoning plan with the surrounding properties. While the applicant may want to offer more details on that, he cautioned the Board about not getting too much beyond the mixed-use request.

Mr. Curry said the requested amendment is compatible with the Connections 2025 GFLUM, which shows this as mixed-use area.

Brian Byrd, Esq., 300 North Greene Street, with the Smith Moore Law Firm, presented materials for the Board's consideration. He said that John Kavanagh Company currently owns the property. Kavanagh also has the property to the south, the former location of the Galloway Buick dealership, under contract.

Mr. Byrd stated that John Kavanagh Company has had discussions with the owner of the Peacemaker and those discussions are ongoing. At this point there is not an agreement to purchase that property. He also stated that the Carolina Peacemaker property was not part of the Redevelopment Plan and will not be affected by this amendment.

Mr. Koonce spoke about getting information out into the community, making sure that the community gets involved and did not know why people are not responding to these community meetings.

Mr. Hall said his concern was that the development plan involves the property all around the Carolina Peacemaker and they did not understand what was getting ready to occur. For planning purposes and compatibility purposes they are going to be left as a tiny, little, incompatible island surrounded by this new development. Their freedom to rezone is being taken away because they are caught up in what has happened all around them.

Mr. Byrd said he certainly could understand the concern more if they were proposing to build commercial development surrounding a residential use. They have a commercial use there and what we are proposing to do is residential and other commercial uses. So he did not see that what they were proposing to do in any way limits their options down the road.

Mr. Hails said the Planning Board recommendation on the amendment would go to the Redevelopment Commission, who would make a formal recommendation. The recommendation then goes to the City Council for a public hearing on the Plan Amendment. If a rezoning is filed, there is a mandatory notification and a public hearing held on that matter as well.

Mr. Marks moved the approval of item 2A, Amendment to the Cumberland Project Redevelopment Plan, seconded by Mr. Bryson. The Board voted 4-2 in favor of the motion. (Ayes: Hall, Bryson, Landau, Marks. Nays: Koonce, Rhodes.)

2B. REVIEW AND RECOMMENDATION ON SUMMIT AVENUE CORRIDOR PLAN (SEE ATTACHMENT IN LAST MONTH'S MAILOUT TO MEMBERS).

Mrs. Geary, Greensboro's HCD, said there was an in-depth presentation at last month's meeting and gave a brief summary. She presented the board an Executive Summary of the market analysis and a memo with answers to the questions raised at last month's meeting

Mrs. Geary described the steps taken by the Charles B. Aycock Neighborhood Association to revitalize their neighborhood, which includes the War Memorial Stadium site and the Farmers' Market. As a result of the work the neighborhood and consultants, the Aycock Traditional Neighborhood District Plan was created and contained the Summit Avenue Corridor Plan.

She briefly discussed the regulatory analysis objectives. The purpose is to evaluate existing regulations affecting private investment in the Corridor and to recommend changes to create a regulatory framework to facilitate appropriate development. She requested that the Board make a formal recommendation.

Mr. Marks mentioned the narrowness of Summit Avenue and questioned how medians and trees could be installed.

Mrs. Geary said that with input from the community and in working with GDOT a small median, with cutouts for various driveways, would provide two lanes of traffic in each direction.

Chair Hall stated that the removal of easements by providing underground utilities would allow the widen of the street. He also requested that staff contact the City Engineering Department and the Engineering School at A&T for participation in the process with creative problem solving.

Mr. Hails stated that the Comp Plan calls for this being the first of eight or nine corridor studies. It is the staff's intention to take the process and the expertise involved here and duplicate it in other locations. Mr. Hails contacted Dave Maynor with Duke Power and arranged a meeting with GDOT, the Engineering Inspection staff and the City Attorney's Office to talk about issues related to underground utilities.

Mr. Bryson moved approval of Item 2B, Summit Avenue Corridor Plan. Having no second, the motion died for lack of a second.

Chair Hall expressed his concerns related to how this project fits within this small area and finding a way to move ahead successfully.

Mr. Hails said he was comfortable with passing along any reservations or suggested changes that the Board has related to the plan and suggested they write down their comments and he would communicate them to Council.

Not having anyone present to speak on public hearing matters 2C through 2H, Chair Hall called Item 3 on the agenda.

Mr. Landau left the meeting.

3. REQUEST FOR A MINOR WATERSHED MODIFICATION TO SECTION 30-7-3.1(B) (1) TO ALLOW THE REMOVAL OF EXISTING TREES ON CITY PROPERTY THAT CREATE A HAZARD FOR TAKEOFFS AND LANDINGS AT THE AIR HARBOR AIRPORT. (RECOMMENDED)

Mr. Galanti explained that the watershed modification was to allow the removal of several trees at the Air Harbor Airport, which interfere with landings and takeoffs. He presented a plan that showed the two areas to be cleared. He stated that according to the Watershed Regulations, this area is located within the Watershed Critical Area and is to remain undisturbed. Mr. Galanti explained each of the three possible grounds for a modification. The TRC reviewed this request at their June 20, 2006, meeting and recommended approval of the modification to allow the airport to cut down and maintain the tree growth (in the area specified on the site plans) in the future with the following conditions: 1) Any trees that are cut will be cut such that the stump remaining is at least 3-4 feet high. 2) The trees will remain where they are felled, except any tree that falls across or onto the existing City trail is to be removed from the trail. 3) The trees are to be cut down by using only hand-held equipment. 4) Appropriate reforestation, in accordance with Section 30-5-4.7(C) of the Greensboro Development Ordinance, is required somewhere in the vicinity of the airport. (One possible area is in the northwest quadrant of the airport.) The plant species and size shall be in accordance with Section 30-5-4.7(C) (1) (a) of the ordinance. One tree will be required for every 200 square feet of disturbance/cutting. This recommendation (with the conditions) was made based on the finding of "Other Constraints." The TRC has found that the FAA rule for a clear approach zone prevents compliance with the City's regulations.

In response to a question from Mr. Marks, Mr. MacIntosh said they reference it as City property since the City owns the area adjacent to the airport.

Mr. Galanti said the property surrounding the airport was not only owned by the City, but was within the City's jurisdiction. The airport is not in the City Limits.

Mr. Rhodes recommended approval of Item 3, the Minor Watershed Modification, seconded by Mr. Marks. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

ANNEXATION PETITIONS

5B. ORDINANCE ANNEXING PROPERTIES OF LAURA D. CLAPP TRUST AND MARVIN E. BAUGH, JERRY W. DAVIS, AND PARK R. DAVIDSON AT 4220 AND 4229 PLEASANT GARDEN ROAD – 65.61-ACRE SATELLITE ANNEXATION (WILL BECOME CONTIGUOUS AS OF JULY 31). (RECOMMENDED)

Mr. MacIntosh said this property abuts a previous satellite annexation (the southeastern part of the Urban Loop) along its north side. Because City Council has approved annexation of an intervening property between the present primary city limits and the Urban Loop, the Urban Loop will become part of the primary city limits as of July 31. The property covered by this petition is within the Tier 1 Growth Area (0-10 years) on the Growth Strategy Map in the Comprehensive Plan. There are 2 houses on the property now, but it is proposed for development with up to about 270 multifamily units on the west side of Pleasant Garden Road and up to about 130 homes on the east side. The nearest accessible water and sewer lines are quite a distance away. Development of a large property near the northwest corner of Pleasant Garden Road and the Urban Loop will bring lines

closer. Extension of water and sewer service to the property, and gaining design approval from the Water Resources Department, is the developer's responsibility. Fire service can be provided to this property with moderate difficulty. The Police Department estimates modest impact on its service provision, with a need for 0.23 additional officers at full build out. Provision of other City services will involve a little additional travel distance as compared to their provision to the previously annexed property on the north side of the Urban Loop. The TRC recommends the annexation.

Mr. Bryson moved to approve Item 5B, 4220 and 4229 Pleasant Garden Road, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

5C. ORDINANCE ANNEXING PROPERTY OF JOSEPHINE VINEBERG AT 2522 MCKNIGHT MILL ROAD – 0.219-ACRE SATELLITE ANNEXATION. (RECOMMENDED)

Mr. MacIntosh said this property adjoins a previous satellite annexation on McKnight Mill Road. It is proposed to be added into the Thornton subdivision being developed on the larger property. This property is within the Tier 1 Growth Area (0-10 years) on the Growth Strategy Map in the Comprehensive Plan. There is a 30-inch City water line along McKnight Mill Road. A sewer line is to be extended to this property by the Thornton subdivision. This property was acquired by the developer, at the request of both the Transportation Department and the Police Department so as to provide a four-way intersection at McKnight Mill Road instead of forcing a choice between an unsafe offset intersection and no intersection. Delivery of all City services to the subdivision will be improved as a result. The TRC appreciates the developer's efforts to solve this problem and wholeheartedly recommends this annexation.

Mr. Bryson moved to approve Item 5C, 2522 McKnight Mill Road, seconded by Mr. Marks. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

PUBLIC HEARINGS:

2E. ORDINANCE AMENDING SECTION 30-4-4(A), 60 DNL NOISE CONTOUR AREA, OF THE GREENSBORO DEVELOPMENT ORDINANCE TO ADD A RULE FOR DEALING WITH PARCELS SPLIT BY THE NOISE CONTOUR LINE. (RECOMMENDED)

Mr. Hails presented a one-page memo with the text changes. City Council raised the concern about the difficulty of developing properties split by different types of zoning lines, specifically by the Airport Overlay Boundary. City Council asked staff to review the matter and to consider processing an amendment to the ordinance to address the situation. Within the Airport Overlay boundary, the 60 day/night decimal level noise contour, residential development is restricted to a one-acre lot minimum lot size. Several portions on the noise cone are urban in nature. The city is concerned about coordinating high quality development when a property is split by a zoning boundary. A survey of other jurisdictions found that they addressed this situation in different ways. Several would allow the development on that tract to be developed with the less restrictive guidelines while others allowed split tracts to be exempted from the provisions of the Overlay. Greensboro's current Airport Noise Standards are among the strictest in the state. This amendment would not overly decrease the regulations, but only lessen the requirement and have a negligible impact on the surrounding area. PART 150 is bringing forth recommendations endorsing additional provisions to be undertaken to help further protect residents near the airport. Staff recommends adoption of the amendment so that a split tract would be considered exempt from the provisions. In that case the boundary of the noise contour would be shifted to the property line instead of running through the middle of the property.

Mr. Marks had a question related to disclosures in deed restrictions and a property owner's right to

complain about noise.

Mr. Hails said he did not know about deeds that take away someone's right to complain.

Mr. Marks asked if the FAA would be forced to buy a house in the noise cone. He also stated that one of the issues in the PART 150 study is disclosure and having a note attached to every recorded deed within the noise cone area to indicate that this is an airport noise area and to legally inform them of the noise regulations.

Chair Hall opened the public hearing. Since no one was present to speak either in favor of or in opposition to the request, he closed the public hearing.

Mr. Rhodes recommended approval of Item 2E, the Airport Noise Contour Area, seconded by Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

2C. RESOLUTION CLOSING SEAWELL ROAD FROM PINECROFT ROAD WESTWARD TO VEASLEY STREET, A DISTANCE OF APPROXIMATELY 860 FEET. (RECOMMENDED)

2F. RESOLUTION CLOSING HICONE ROAD FROM THE CITY LIMITS WESTWARD THEN SOUTHWARD TO BRIGHTWOOD SCHOOL ROAD, A DISTANCE OF APPROXIMATELY 2,100 FEET. (RECOMMENDED)

2G. RESOLUTION CLOSING THE SOUTHERNMOST PART OF BYERS RIDGE ROAD, THAT PART NOT BEING UTILIZED FOR THE REALIGNED AND EXTENDED STREET. (RECOMMENDED)

2H. ORDINANCE CHANGING THE NAME OF THE PORTION OF HORSE PEN CREEK ROAD LYING EAST OF BATTLEGROUND AVENUE TO OLD BATTLEGROUND ROAD. (RECOMMENDED)

Chair Hall called Items 2C, F, G and H. and asked whether the board members were ready to proceeding with recommendations without further discussions. Hearing not objections he proceeded.

Mr. Rhodes recommended approval of Item 2C, closing a portion of Seawell Road, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

Mr. Bryson recommended approval of Item 2F, closing part of Hicone Road, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

Mr. Bryson recommended approval of Item 2G, closing part of Byers Ridge Road, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

Mr. Bryson moved approval of Item 2H, changing the name of a portion of Horse Pen Creek Road, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

2D. ORDINANCE AMENDING SECTION 30-4-1.3, OVERLAY DISTRICTS, OF THE GREENSBORO DEVELOPMENT ORDINANCE TO ADD PEDESTRIAN SCALE OVERLAY

DISTRICT TO THE LISTING OF OVERLAY DISTRICTS. (RECOMMENDED)

Mr. Woody, with the Planning Department, stated that this amendment will correct an error in the Development Ordinance by listing the Pedestrian Scale Overlay District as an overlay district along with the other overlay districts.

Mr. Bryson moved approval of Item 2D, ordinance amending Section 30-4-1.3, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

4. UNIFIED DEVELOPMENT PLAN – GRANVILLE OAKS COURT TOWNHOMES – GRANVILLE OAKS COURT AND WEST CORNWALLIS DRIVE – FOR GARY JOBE BUILDER, INC. – 8 UNITS, 2.665 ACRES. (RECOMMENDED)

Mr. MacIntosh said that the developer has proposed standards on the unified development plan, other than those in the ordinance, to govern the development. The TRC has reviewed the standards and finds them satisfactory and recommends approval.

Mr. Rhodes moved to approve Item 4, Unified development Plan, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

ANNEXATION PETITIONS:

5A. ORDINANCE ANNEXING PROPERTY OF MARY WELLS AT 3307 PLEASANT GARDEN ROAD AND 901 LOGANDALE COURT – 21.939-ACRE CONTIGUOUS ANNEXATION. (RECOMMENDED)

Mr. MacIntosh said the annexation was located on Pleasant Garden Road and abuts the primary city limits along its north side. It is within the Tier 1 Growth Area (0-10 years) on the Growth Strategy Map in the Comprehensive Plan. There are 3 houses on the property now, but it is proposed for development with up to about 350 multifamily units accessed off Pleasant Garden Road.

There is a 16-inch City water line along the Pleasant Garden Road frontage. The nearest accessible sewer line is at some distance. Extension of sewer service to the property is the developer's responsibility. Fire service can be provided to this property with low difficulty (2.2 miles from a City station). The Police Department estimates modest impact on its service provision, with a need for 0.3 additional officers at full build out. Other City services can be provided in a manner similar to their provision to the previously-annexed properties just to the north. TRC recommends favorable action on this annexation.

Mr. Rhodes recommended approval of Item 5A, 3307 Pleasant Garden Road and 901 Logandale Court, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

Mr. Marks left the meeting.

6. PRESENTATION ON ORDINANCE AMENDING GREENSBORO DEVELOPMENT ORDINANCE TO ADD THE NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT. (NO ACTION NEEDED)

Mr. Clegg, HCD, said this ordinance would enable the City to create specific Overlay Zones and Districts. The boundaries and regulations in those Districts will be specific to and decided upon when the districted in created. The NCO is a tool that will tailor zoning and building regulations to what is

prevalent within a particular area. The definition for a Neighborhood Conversation District is an Overlay that is put into place that recognizes what is unique and significant about an area in order to maintain stability and local identity as the neighborhood changes. It will enable new construction to blend in with the existing fabric of the neighborhood. This ordinance will be triggered by development requiring a building permit, mostly new construction or major additions to a house, but not demolitions.

Mr. Woody, with the Planning Department, gave an explanation of the process to establish an NCO. The process would involve creating a neighborhood plan, or an area plan, and creating design guidelines with the assistance of property owners and stakeholders in an area. Adoption would also involve public hearings before the Planning Board, Zoning Commission, and City Council. After the public hearings a petition signed by at least 51 percent of the owners of property in that area must be submitted to begin designation.

Mr. Hails said 51 percent is only a minimum threshold to get the staff to invest time to work with the neighbors on putting a plan together. After that, if it is still moving forward, it will have to go through a normal public hearing. The NCO also allows customizing of the Overlay to reflect the size of the area, and/or bulk, setback, and height of existing structures. There will be a public meeting on July 11 at 6:00 p.m. in the Nussbaum Room of the Public Library. Board members were all encouraged to attend.

ITEMS FROM THE DEPARTMENT:

7A. REQUEST TO CALL A PUBLIC HEARING FOR THE JULY 19 MEETING ON ASSIGNING THE NAME BRUSHWOOD COURT TO THE NEW STREET ALIGNMENT RUNNING FROM WEST FRIENDLY AVENUE NORTHWARD AND FORMING A CONTINUOUS ALIGNMENT WITH EXISTING BRUSHWOOD COURT. (APPROVED)

Mr. Bryson moved to approve the request to call a public hearing on July 19 on assigning the name Brushwood Court to new street alignment, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

7B. REQUEST TO CALL A PUBLIC HEARING FOR THE JULY 19 MEETING ON CHANGING THE NAME OF MAYFIELD COURT TO ESTES COURT. (APPROVED)

Mr. Bryson moved to approve the request to call a public hearing on July 19 on changing the name of Mayfield Court, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Hall, Bryson, Koonce, Landau, Marks, Rhodes. Nays: None.)

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There being no further business before the Board, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director